

REMARKS

Applicants respectfully request reconsideration and then allowance.

The Examiner objected to claims 3-4, 13 and 15 because they contain a Japanese standard method and required an English translation of the method and appropriate correction. Applicant respectfully directs the Examiner's attention to the specification, page 10, line 19, to page 11, line 11, and page 22, line 18, to page 23, line 6. The present specification provides, in English, an explanation of the JIS standard method.

The Examiner objected to the phrase "is consisted of" in claim 14 and requested correction to "consists of." In accordance with the Examiner's suggestion, Applicants have amended the phrase. This clerical edit does not restrict claim scope.

The Examiner objected to claims 4-9 under 37 C.F.R. §1.75(c) because multiple dependent claims depend from other multiple dependent claims. Applicants amended claims 4-8 so they depend on claim 1. Claim 9 is canceled. The amended dependency does not limit claim scope. Please reconsider and withdraw this objection.

The Examiner rejected claims 1-9 and 11-15 as being anticipated by or as being obvious over Haley et al., under U.S.C. 102(b) or 103(a) or unpatentable over Haley et al., in view of Kuga et al., under U.S.C. 103(a). Applicants traverse.

In a flame retarding polypropylene fiber having a core-sheath structure of this invention, a phosphoric ester-based flame retardant for giving flame retardancy to the fiber and a NOR type HALS-based stabilizer are applied to a core component. This enables the practitioner of Applicants' inventions to suppress the odor, maybe even to an unnoticeable level, while still providing the desirable good flame retardancy. Although a HALS-based stabilizer may have odor characteristics of amine-based compound, one of the good effects of this invention is that it prevents the odor and provides good flame retardancy at the same time. See specification at page 16. In the case of a flame retarding polypropylene film consisting of multiple layers of the invention, the phosphoric ester-

based flame retardant and the NOR type HALS-based stabilizer are applied to at least one of the intermediate layers. This also enables the practitioner of Applicants' inventions to suppress the odor, even to an unnoticeable level, while still obtaining the desired good flame retardancy.

Haley et al. does not disclose nor would it have suggested that the phosphoric ester-based flame retardant and the NOR type hindered amine-based stabilizer are applied to a core component, nor that such application could or would suppress the odor characteristic of the HALS-based stabilizer all the while providing the desired flame retardancy.

Further, Kuga et al. discloses a laminate, such as a safety glass laminate with a special surface property, manufactured by layering a cross-linked polyurethane type resin having a self-healing property at its exposed surface and having a reformed surface, and a transparent hard material. It also discloses that a flame retardant and a stabilizer are applied to the polyurethane type resin. However, the Kuga et al. reference does not disclose nor would it have suggested that the flame retardancy of the polyurethane type resin is improved by a combination of the phosphoric ester-based flame retardant and the NOR type hindered amine-based stabilizer. In addition, the Kuga et al. reference does not disclose nor would it have suggested that the NOR type hindered amine-based stabilizer is applied to a core component or an intermediate layer so as to prevent the odor in fiber type product.

Finally, Applicants respectfully refer the reader to In re Antonine, 196 USPQ 6, 8 (CCPA 1977) where the court said:

“The PTO and the minority appear to argue that it would always be *obvious* for one of ordinary skill in the art *to try* varying *every* parameter of a system in order to optimize the effectiveness of the system even if there is no evidence in the record that the prior art recognized that particular parameter affected the result. As we have said many times, *obvious to try* is not the standard of 35 USC 103. In re Tomlinson, 53 CCPA 1421, 363 F.2d 928, 150 USPQ 623 (1966). Disregard for the unobviousness of the

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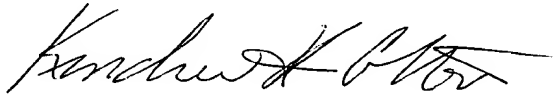
results of "obvious to try" experiments disregards the "invention as a whole" concept of §103, In re Dien, 54 CCPA 1027, 371 F.2d 886, 152 USPQ 550 (1967) and In re Wiggins, 55 CCPA 1356, 397 F.2d 356, 158 USPQ 199 (1968), and overemphasis on the routine nature of the data gathering required to arrive at appellant's discovery, after its existence became expected, overlooks the last sentence of §103. In re Saether, 492 F.2d 849, 181 USPQ 36 (CCPA 1974)."

The Court reversed the rejections.

For the foregoing reasons, Applicants respectfully suggest their inventions are anticipated and would have been unobvious over cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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